How to Suggest Alternative Power Plant Sites or Transmission Line Routes

This fact sheet will help you suggest an alternative power plant site or transmission line route. It explains the permitting process, how to fully and clearly describe an alternative, and the evaluation criteria.

The Minnesota Public Utilities Commission (Commission) permits certain power plants and transmission lines. During the permitting process, persons can suggest an alternative power plant site(s) or transmission line route(s) to be evaluated as part of the environmental review process associated with the project.

Suggested alternatives are not carried forward automatically. Only those alternatives that mitigate impacts and will assist the Commission in making its decision are carried forward in the permitting process. This decision is informed by Department of Commerce (Commerce) Energy Environmental Review and Analysis (EERA) staff, and ultimately made by the commissioner of Commerce. **To be considered, alternatives must meet five criteria**.

An alternative must be accompanied by a detailed explanation why it should be carried forward in the permitting process. This is the first criteria. Explanations must:

- Describe an anticipated impact;
- Suggest an alternative site or route; and
- Discuss how the alternative mitigates an anticipated impact.

Alternatives must meet four additional criteria. Suggestions must be:

- Submitted during the public scoping period;
- Located outside certain prohibited areas;
- Able to meet the applicant's stated need for the project; and
- Feasible.

Permitting Overview

Certain power plants and transmission lines require a permit from the Commission. A site permit is needed for a power plant. A route permit is needed for a transmission line. Sometimes a project might need both permits, for example, an applicant might propose to build both a power plant and transmission line. These permits identify the specific location(s) a power plant or transmission line can be built and required mitigation measures.

The permitting process begins when a utility or energy developer submits an application to the Commission. After the Commission accepts an application, EERA staff conducts environmental review to identify and discuss potential impacts and mitigation measures associated with the proposed project. The first step in this process is a public scoping meeting(s). These meetings help inform the scope or content of the environmental review document. Suggesting a site or route alternative is a part of the scoping process.

Once the environmental review document is complete, additional public involvement occurs so that persons can provide comments on the document itself and advocate for a particular site or route. A record is developed that includes, among other documents, procedural notices, public and agency comments, and the environmental review document. The Commission reviews the record and makes a permit decision.

*** An applicant will often hold public meetings at various locations near a proposed site or along a proposed route prior to submitting an application. These meetings help to inform their permit application. While we encourage you to participate, they are **not** part of the permitting process, which means any comment you provide — for example, alternative sites or routes — will not be part of the official record. This is why it is important to participate in the permitting process to ensure your comments are considered by the Commission.

Suggesting Site or Route Alternatives

Depending on the project, the environmental review document can be an environmental impact statement (EIS) or an environmental assessment (EA). While an EIS and EA are different, the process for suggesting an alternative power plant site or transmission line route is the same.

During scoping any person (meaning any individual, organization, business, government agency, and so on) can suggest alternative power plant sites or transmission line routes. To do so, a person must fully explain what impact their alternative mitigates and why their alternative mitigates this impact and, as result, should be carried forward in the environmental review document.

EERA staff review all suggested alternatives against five criteria; only those alternatives that meet all five criteria and would assist the Commission in making its permitting decision are carried forward. An alternative must be accompanied by a detailed explanation why the suggestion should be included in the environmental review document. Suggestions must be submitted during the public scoping period. Alternatives must be located outside certain prohibited areas and meet the stated need for the project. Lastly, staff determines if a suggestion is feasible.

1. Provide a Detailed Explanation

Minnesota Rules 7850.2500, Subpart 3 and 7850.3700, Subpart 2B state "*a person desiring that a particular site or route be evaluated* ***shall submit… an explanation of why the site or route should be included*** *in the environmental* [*document*] ***and any other supporting information…***" (emphasis added).

Applicants are required to provide detailed information regarding a proposed project. This information provides the rationale for their proposed power plant site and/or transmission line route. Similarly, you must also fully explain the reasons for suggesting an alternative. You do not need to provide the same level of detail or analysis in your explanation(s) as the applicant provided; however, your explanation(s) must be able to stand independently so others do not need to "fill in the blanks" to understand it.

Explanations must discuss: 1) an anticipated impact created by the applicant's proposal; 2) an alternative site or route; and 3) how the alternative site or route mitigates the anticipated impact identified in part one. These individual parts, taken as a whole, provide the information needed to fully understand your suggestion, determine if the alternative meets the other criteria, and, ultimately, if it would assist the Commission in making its decision.

1-1. Describe an Anticipated Impact

The environmental review document analyzes potential impacts and possible mitigation measures to specific on-the-ground features. This analysis is based on factual information. This means that for an alternative to be included in the environmental review document it must also pertain to specific on-the-ground impacts and be based on factual information.

Use this step to identify a concern. Explanations should begin by highlighting an impacted resource or unique feature. These impacts need not be on your property. Describe the anticipated impact — the problem or issue — created by the proposed site or route location. This step should generally be discussed in terms of how "Site/Route X" would affect "Resource/Unique Feature Y" at "Location Z." Provide whatever information you think is necessary to understand your concern and be as specific as possible.

*** Some individuals might not desire a large energy facility be located in a certain location based on personal preference. However, because the environmental review document presents factual information, as opposed to personal viewpoints, an alternative suggestion based solely on preference will not be carried forward. Personal viewpoints are better suited for the public hearing portion of the permitting process.

1-2. Provide an Alternative Site or Route

Provide an alternative power plant site or transmission line route. The alternative must be a clearly identifiable location on the ground. Ensure the suggested alternative actually mitigates an impact as opposed to simply shifting the impact to a different location.

Use this step to tell EERA staff where the power plant or transmission line should be located instead. Be as specific as possible. Use specific references to road intersections, mile markers, or other prominent landmarks. For routes, ensure the explanation describes where your suggested alternative breaks from and returns to the proposed route.

Statements such as "*move the site to the east*" or "*place the route on the other side of the lake*" do not point to specific locations and will not be carried forward. We recommend asking a friend or family member to read your suggestion to see if they can identify it on a map. If they cannot locate your suggestion, ask what would make it clearly identifiable and include that information.

This step should generally be discussed in terms of "Site Alternative A" is at "Location B" or my suggested "Route Alternative C" breaks from the proposed route at "Location D," continues through "Locations E, F, G, and H," and reconnects with the proposed route at "Location I."

1-3. Explain Why the Alternative Mitigates the Impact

Once an anticipated impact is described and an alternative location is identified it is necessary to explain why the suggested alternative mitigates the anticipated impact. In other words, how does the alternative suggested in step 1-2 reduce or solve the problem(s) highlighted in Step 1-1?

Use this step to demonstrate how the suggested alternative fixes things. This step should generally be discussed in terms of how "Alternative Site/Route X" mitigates or reduces the

impact to “Resource/Unique Feature Y” compared to original “Site/Route Z.” Again, include as much information as necessary to support your suggestion and be as specific as possible.

1-4. Use a Map

Maps are helpful to highlight an anticipated impact or mark a suggested alternative. A map should accompany a written description, not replace it. To be useful maps must be of proper scale. At the wrong scale, a map will not provide enough detail to assist in pinpointing an impact or alternative. For example, the line created by a felt tip marker on a state highway map can cover entire cities and highways.

If you include a map — and we recommend that you do — use a county, township or city map depending on the project. You can also use free online mapping resources such as Google Maps, Google Earth, or similar websites. These maps can be zoomed and printed to provide appropriate levels of detail. If you are having trouble locating a map at the proper scale, contact EERA staff for help.

2. Submit the Suggestion on Time

Minnesota Rules 7850.2500, subpart 3 and 7850.3700, subpart 2B state “***during the scoping process**, a person may suggest alternative sites or routes to* [*be*] *evaluate*[*d*] *in the environmental* [*review document*]” (emphasis added). Suggested alternatives must be post-marked or received electronically during the public scoping period. Suggestions received after the public scoping period would not meet this regulatory requirement.

3. Avoid Prohibited Areas

Power plants and transmission lines are prohibited in certain areas. If a suggestion is within one of these prohibited areas it will not be carried forward. Table 1 outlines prohibited transmission line route locations; Table 2 outlines prohibited power plant site locations. Exceptions and further requirements apply. Refer to Minnesota Rules part 7850, subparts 4300 and 4400 for the complete text.

Table 1. Prohibited Transmission Line Routes

Prohibited	Prohibited UNLESS it would not materially damage or impair the purpose for which the area was designated AND no feasible and prudent alternative exists
National Wilderness Areas	National Parks
State Wilderness Areas	State Parks
—	State Scientific and Natural Areas

Table 2. Prohibited Power Plant Sites

Prohibited EXCEPT for use for water intake or discharge facilities	Prohibited UNLESS there is no feasible and prudent alternative
National Historic Districts	State Registered Historic Places
National Historic Sites or Landmarks	State Historic Districts
National Monuments	State Wildlife Management Areas
National Wildlife Refuges	County Parks
National and State Parks	Metropolitan Parks
National and State Wilderness Areas	Designated State Recreational Trails
Nature Conservancy Preserves	Designated Federal Recreational Trails
State Scientific and Natural Areas	Designated Trout Steams
National Wild, Scenic, and Recreational Riverways	Rivers Identified in Minn. Stat. 85.32, subdivision 1
State Wild, Scenic, and Recreational Rivers and their Land Use Districts	–
Prime farmland	
No large electric power generating plant site may be permitted where the developed portion of the plant site, excluding water storage reservoirs and cooling ponds, includes more than 0.5 acres of prime farmland per megawatt of net generating capacity, or where makeup water storage reservoir or cooling pond facilities include more than 0.5 acres of prime farmland per megawatt of net generating capacity, UNLESS there is no feasible and prudent alternative.	

Federal

Historic Districts: http://www.nps.gov/nr/research/; http://nrhp.mnhs.org/
Historic Landmarks: http://www.nps.gov/nhl/find/statelists.htm; http://www.mnhs.org/shpo/nrhp/nhl.php
Historic Sites: http://www.nps.gov/nr/research/; http://nrhp.mnhs.org/
Monuments: http://www.nps.gov/state/mn/index.htm
Parks: http://www.nps.gov/state/mn/index.htm
Recreational Trails: http://www.americantrails.org/NRTDatabase/; http://www.nps.gov/nts/nts_trails.html
Riverways: http://www.dnr.state.mn.us/waters/watermgmt_section/wild_scenic/wsrivers/rivers.html
Wilderness Areas: http://www.wilderness.net/NWPS/stateView?state=MN
Wildlife Refuges: http://www.fws.gov/refuges/refugeLocatorMaps/Minnesota.html

State

Designated Trout Streams: http://dnr.state.mn.us/fishing/trout_streams/index.html
Historic Districts: https://www.revisor.mn.gov/statutes/?id=138.73
Historic Sites: https://www.revisor.mn.gov/statutes/?id=138.57;
https://www.revisor.mn.gov/statutes/?id=138.581; https://www.revisor.mn.gov/statutes/?id=138.662
Minn. Stat. 85.32, subdivision 1: https://www.revisor.mn.gov/statutes/?id=85.32
Parks: http://www.dnr.state.mn.us/state_parks/map.html
Recreational Trails: http://www.dnr.state.mn.us/state_trails/list.html
Rivers: http://www.dnr.state.mn.us/waters/watermgmt_section/wild_scenic/wsrivers/rivers.html
Scientific and Natural Areas: http://www.dnr.state.mn.us/snas/map.html
Wildlife Management Areas: http://www.dnr.state.mn.us/wmas/index.html

Local Government

County Parks: http://www.mncounties.org/about_counties/county_websites.html
Metropolitan Parks: http://www.metrocouncil.org/Parks/Services/Maps-Activities.aspx

Non-governmental

Nature Conservancy Preserves: http://www.nature.org/about-us/visit-preserve-map/index.htm

4. Meet the Stated Need

The purpose of the environmental review document is to describe and analyze potential impacts and mitigation measures associated with meeting a specific need and accomplishing a specific task. For this reason, any alternative you suggest must also meet the identified need and accomplish the identified task. Take for example a fictitious transmission line project proposed to deliver electricity from Minneapolis to Duluth. A route alternative that ends in Hinckley does not meet the stated need because the electricity would not reach Duluth. This suggestion would not be carried forward.

When the Commission considers a site or route permit it might review several alternative site or route locations; however, it does **not** review system alternatives. A system alternative replaces the proposed project entirely, and is another way of meeting the identified need or accomplishing the identified task. For example, a system alternative to a transmission line designed to increase local electrical supply could be a distributed power plant, such as a community solar garden. System alternatives are addressed as part of the Certificate of Need process and are outside the scope of site or route alternatives.

5. Propose a Feasible Alternative

Feasibility integrates the concepts of design, reliability, level of impact, and cost. Suggested alternatives must meet certain design requirements (codes and standards), achieve and maintain consistent power delivery (reliability), and provide for an efficient use of resources (level of impacts, cost). EERA staff, working with the applicant, determines the feasibility of suggested alternatives. Although you do not make this evaluation, you do need to consider it when constructing your alternative.

While it is impossible to explain what is and is not feasible without project specific details, your best "feasibility test" is yourself: does common sense tell you an alternative looks reasonable? For example, most every person can agree an alternative that adds 25 miles to a 25-mile transmission line — effectively doubling both the impact and cost — is not feasible. However, an alternative that adds five miles to a 250-mile transmission line to mitigate specific impacts might be feasible.

Feasibility is not just about the location of an alternative. It is about finding an appropriate balance between the design, reliability, level of impact, and cost. Both relatively simple adjustments and significant alterations could be feasible depending on specific circumstances.

Where can I get more help?

For additional information or to ask specific questions do not hesitate to contact EERA staff directly. For individual projects, the EERA webpage provides contact information for the environmental review manager. This is the staff person most familiar with a project.

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